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ABSTRACT

The modern-day lobbyist is uniquely qualified to provide lawmakers with information that would take an overworked staff countless hours to obtain; hence, the relationship of lobbyist and lawmaker has evolved into a network of accommodation and mutual assistance. Consistent with persuasion theory that recognizes the limitations of discourse, lobbyists concentrate their efforts on reinforcing the opinions of legislators who are already in basic agreement with the group position. A lobby typically fulfills four basic functions: symbolic, economic, ideological, and informative. For a non-profit lobby such as the Children's Defense Fund (CDF), its symbolic office is arguably the most crucial to its mission. From its localized origins in dealing with program implementation for Black children in Mississippi, the Children's Defense Fund (CDF) has broadened its issues to include dissemination of information about all children's issues. Marian Wright Edelman (CDF's founder), advocates "building academic skills, providing family-life education, etc." to combat adolescent pregnancy. A CDF brochure, "10 Things You Can Do to Help Your Children," presents an agenda that includes violence-free schools and Head Start. But even such redeeming causes as programs for children contribute to the balkanizing effect of battling for issue supremacy. In its reliance on research and analysis CDF's information output bears a strong resemblance to traditional corporate data. Lobbying effectively subverts the policymaking operation. In the case of the CDF and similar non-profit groups, the damage wrought by the method belies the nobility of the ends. (Contains 21 references.) (NKA)

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Government by Special Interest:

The Children's Defense Fund Lobby

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Government by Special Interest:

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Abstract

In this essay, I (1) demonstrate that lobbying is now an accepted, institutionalized branch of the American legislative process, and (2) argue that public interest advocacy and corporate lobbying are equally deleterious to the legislative process as constructed by the framers of the Constitution.

In the public mind, there is a sharp distinction between self-invested lobbies and not-for-profit groups. These perceived differences are located in the goals of each kind of lobby. While the latter strives for a more humane society, based on redistribution of resources, the former seeks to initiate or secure policies that will not interfere with or otherwise hinder the profit potential of a free market economy. The purpose of this essay is to question both the usefulness and the accuracy of these distinctions.

Even such redeeming causes as programs for children contribute to the balkanizing effect of battling for issue supremacy. The willingness of lawmakers to accede to single interest lobbying has, in the last two decades, resulted in a deterioration of integrated lawmaking and probably also to the explosion of the national debt. In the case of the Children's Defense Fund and similar groups, the damage wrought by the method belies the nobility of the ends.

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Government by Special Interest:

The Children's Defense Fund Lobby

The place of special interests in a democracy has been a topic of debate since James Madison first voiced his concern for the untoward influence of the few over the many. In *The Federalist* (No. 10), Madison develops a view of strong federalism as necessary protection against "the violence of faction" (Hamilton, Madison, & Jay, 41), defining faction as: "a number of citizens...who are united and actuated by some common impulse of passion, or of interest, adverse to the rights of other citizens, or to the permanent and aggregate interests of the community" (42).

His association of faction with violence may suggest that Madison had in mind dissident upheavals like the Whiskey Rebellion, rather than the more civilized, behind-the-scenes interest group lobbying of the present age. But many believe that the institutionalization of lobbying activity in the post-war era has done more harm to the democratic structure than any armed insurrection. Lobbying has altered the nature of the legislative process as it was envisioned and conceived by the founders.

In the public mind, there is a sharp distinction between self-invested lobbies such as those of the oil, tobacco, and construction industries, and not-for-profit groups such as the Environmental Defense Fund, National Association for the Advancement of Colored People, and Common Cause, that seek social reform or redress. These perceived differences are located in the goals of each kind of lobby. While the latter strive for a more humane society, based on redistribution of resources, the former seek to initiate or secure policies that will not interfere with or otherwise hinder the profit potential of a free market economy.

The purpose of this essay is to question both the usefulness and the accuracy of these distinctions. This is not to suggest that the tobacco industry lobby may have a socially-conscious dimension, or that there is a covert profit-seeking agenda in the work of the NAACP. Rather, I am

suggesting that the methods employed by both kinds of lobby are the same, and furthermore that these methods are deleterious to the American system of government as it was originally constituted.

First I will provide a general overview of lobbying as it is currently practiced in Washington and in state capitols across the nation. Next, I will examine the lobbying methods and goals of a specific group, the Children's Defense Fund (CDF), as a source of comparison with those of corporate lobbying efforts. Finally, I will discuss the ways in which even such praiseworthy efforts as those of the CDF have altered the political landscape and the implementation of policy, and the implications of those alterations for the common weal.

Background

The theory, if not the practice, of lobbying is integral to democratic forms of government, which secure for citizens the right to petition, to air grievances, and to seek redress. In 1215, the Magna Carta assured English nobles access to the king by petition. Lobbying, then as now, means access to those with decision-making power (Wolf, 10). According to Vogler, the word *lobby* predictably stems from the custom of access seekers to wait in the lobby outside the British Parliament for a personal meeting with their legislators (Wolf, 10). It appeared in American usage early in the nineteenth century, in the record of the Tenth Congress, and in newspapers, where the term *lobby-agents* described petitioners in Albany, the New York state capitol (Wolf, 10; *Congressional Quarterly,* 2).

In the early days of the Republic, lobbying was openly venal and self-serving, a virtual synonym for bribery. A salient illustration is an 1833 letter from Massachusetts Senator Daniel Webster reminding Nicholas Biddle, President of the Bank of the United States, that Webster's retainer had not been "refreshed as usual" (*Congressional Quarterly,* 2). Such abuses eventually made regulation a necessity. But the 1946 Federal Regulation of Lobbying Act, requiring paid lobbyists to register and report their sources of income, and subsequent attempts at reform have been notoriously unavailing. Washington insiders view the regulation of lobbying as a soufflé — more air than substance (Vogler, 257). Lobbyists must register only if the "principal purpose" of their business is to

influence legislation. Therefore, a law firm whose principal purpose is to litigate and write contracts may lobby without registering. A 1981 survey estimated the lobbyist population of Washington at 16,000, out-numbering legislators by a margin of thirty-to-one (Vogler, 258).

The first lobbyists sought access for personal reasons. They were position seekers, or businessmen for whom some government action might mean profit or ruin, or citizens in some strait. While we define a lobbyist as one who seeks to influence legislation, the policy in question will seldom affect the lobbyist directly. Lobbyists are paid agents who pursue the interests of others, or philanthropic volunteers in pursuit of a larger social goal.

In 1974, the Washington journal *Congressional Quarterly* suspended its practice of listing lobbyist spending because of the wide disparity between official and real figures (Vogler, 257). One of the difficulties of identifying, let alone controlling, lobbying is the unspecified nature of the practice. There are myriad ways to seek influence, and innumerable places apart from the lobby. Lobbyists do not appear in the Washington Yellow Pages under "L."

Lobbyists

In *Lobbies and Lobbyists,* Alvin Wolf identifies a unique feature of Washington life: those who come to serve their states as elected or appointed officials, or as staffers, are reluctant to leave when their service is terminated. They have developed a professional network of associations, and perhaps become accustomed to the glitter of Washington's social life. Long-time lobbyist and former senator and representative Scott Lucas has observed that "'They never go home to Podunk' is one of Washington's favorite clichés" (Wolf, 21).

Probably more than any other professionals, lawyers fulfill the role of lobbyist, usually maintaining partnership in a high-profile law firm (Berry, 126). Legal skills and training are naturally useful to work in government, and young lawyers are good candidates for staff positions in new administrations, or staff work in the offices of newly-elected legislators. Knowledge and experience garnered on the "inside" then provides singular advantages for later lobbying endeavors. Former government employees

and military officers offer similar benefits as prospective lobbyists (Wolf, 22-25). Personal friendships within the government are an invaluable credential for the potential advocate. While such relationships may never translate into direct influence, they confer an image of prestige, and function symbolically as a signifier of access (Wolf, 26).

The flow of personnel out of government and into lobbying is a source of growing ethical concern. The advantages gained in government service often translate into high fees and salaries in lobbying (Berry, 127). This trend over the last twenty-five years represents a reversal of the past, when business leaders were willing to make financial sacrifices in order to serve their government. The drift of talent out of government service for the greater rewards of lobbying has become business as usual in Washington.

Understanding who lobbyists typically are provides only a vague outline. What exactly is it that the lobbyists do? Do they prowl the Capitol corridors, lying in wait to corner the unwary senator? Or has lobbying abandoned the nooks behind the statues for the fax, the modem, and the car phone? Once a lobbyist has gained the appropriate ear, what happens? In the next two sections, I will address the purposes of lobbying; that is, practically speaking, what the lobbyist hopes to accomplish by obtaining access and the tactics lobbies employ to achieve their goals.

Functions of Lobbying

Contrary to popular assumption, not all special interests seek a slice of the appropriations pie. Though at the heart of much political conflict, money is not the only resource for which factions vie. Ornstein and Elder identify four primary functions of lobbying: symbolic, economic, ideological, and informative. A fifth, instrumental, exists only for one purpose, and only until an issue is resolved. For example, when the Vietnam war ended, groups that had mobilized to achieve that outcome ceased to exist (Ornstein & Elder, 34).

Interest groups with a symbolic function serve as a locus of identification for the group's members. Ethnic cultural groups (The Italian-American Foundation, B'nai Brith, e.g.) have "expressive value" in the sense that membership expresses something about the member (29). Professional

associations such as the American Bar Association and the Speech Communication Association also reinforce identification. These groups may lobby on issues that promote visibility, increase legitimacy, or otherwise advance their communal interest, but they were not formed for the sole purpose of lobbying. Their main function is symbolic.

Economic interest groups are those we think of most readily as lobbies. Their efforts, if not explicitly, manifestly promote the economic self-interest of their members. The purpose of such lobbies is either to obtain advantageous appropriations such as direct subsidies, or to foreclose legislative action that would impede or obstruct profitmaking. Organizations that attempt to secure subsidies for milk or other agricultural products are a well-known example; others are the American Trial Lawyers' Association, which vigorously opposes no-fault auto insurance, and the American Association of State Colleges and Universities, which lobbies for increases in federal aid to higher education (Ornstein & Elder, 31).

Ideology is another unifying purpose for a number of Washington lobbies. Ideological groups reflect an overarching philosophy and apply pressure on behalf of issues whose outcomes enhance or depreciate their philosophical agenda. Americans for Democratic Action and the U.S. Chamber of Commerce are examples of groups that lobby for legislation on behalf of democratic or free enterprise institutions. Some ideological groups have a narrower frame of interest. The Right to Life Committee and the National Rifle Association are ideological in nature, but lobby on one fundamental issue.

Although all advocacy groups disseminate information concerning their agenda, there are groups that exist purely to provide information as a public service, rather than with a persuasive intent. Professional associations such as the American Political Science Association distribute non-partisan information, and Common Cause monitors campaign contributions on a non-partisan basis (Ornstein & Elder, 33).

Clearly, many groups have overlapping functions or change functions as exigencies dictate. Appropriations that benefit Italian-Americans will enhance the prestige and symbolic value of the Italian-American Foundation. Ideological groups will support appropriations that benefit

programs compatible with their ideology. It is valuable, nevertheless, to recognize that not all lobbies seek appropriations or economic advantage. Nevertheless, the protection and promotion of interests, whether economic or otherwise, is the central goal of organizations that lobby. Their specific policy issues may cover such diverse areas as postage stamps that feature important Italian-Americans, the preservation of Italian-American historical sites, or the appointment of Italian-American judges.

Lobbying Strategies and Techniques

The stock in trade of the modern-day lobbyist is information. With the steady burgeoning of the lobbyist population in the last quarter-century, forging personal relationships with legislators is, for most lobbyists, not feasible. Indeed, it is no longer even preferable. Accompanying the growth of the lobbying business in Washington, as well as in state capitols, legislative staffing has increased similarly. For an issue advocate, more people in a congressional office translates into more points of access. At the same time, a long and complex legislative agenda leaves lawmakers with only cursory information on many issues. A Brooklyn representative, for example, will be unlikely to have a depth of knowledge on soybean subsidies in Indiana; a Minnesota legislator will be unfamiliar with the welfare crisis in southern California.

The lobbyist is uniquely qualified to provide lawmakers with information that would take an already-overworked staff countless hours to obtain. Rather than "refreshing" the senator's retainer in return for a favorable vote as in days of old, the relationship of lobbyist and lawmaker has evolved into "a network of accommodation and mutual assistance" (Vogler, 260). A professional lobbyist describes how this relationship came about:

> The conventional wisdom today is that members are overstaffed. What so many people overlook is that members of Congress have become ombudsmen — they spend most of their time taking care of their constituents' problems with the government — so it becomes difficult to do good legislative work. So to an extent we become an extension of the staff (262).

Although the network of accommodation takes various forms, the lobbyist's main task is "providing information and rationales" (261) to justify a vote. Consistent with persuasion theory that recognizes the limitations of discourse for converting Christians to Islam, or Republicans to Democratic voting patterns, lobbyists concentrate their efforts on reinforcing the opinions of legislators who are "already in basic agreement with the group position" (260). When the information provided by the lobbyist proves helpful, perhaps in terms of persuading other legislators, or, at the least, in making the representative "look good," the legislator is likely to grant access to that lobby on other issues in the future (Hansen, 101).

In spite of what appears to be a surfeit of information supplied by special interests, most legislators rely on "cue networks," a system of internal sources, usually fellow members, in determining how to vote. They are unaware that the source of a colleague's information is probably a lobbyist. One congressional staffer explains that "[t]he key point of contact is usually between a highly specialized lobbyist and the specialized staff people of a standing committee. Intimate friendships spring up there--it's the riveting point" (Vogler, 261).

Lobbyists also provide a service known as a "cover," "an impressive witness whose competence [is] unquestioned" to support or reinforce the legislator's voting decision (Vogler, 261). The technical expert's relationship with the lobby remains unknown to the congressional body at large, but the group has had the opportunity to air its view. The favor is duly noted on both sides. In addition, the "better" lobbyists, according to staffers, will include with their pertinent information "a couple of speeches, a [*Congressional*] *Record* insert, and a fact sheet" (262).

It is interesting to note that the lobbyist often goes to considerable length to facilitate for the lawmaker, without receiving any assurance of a *quid pro quo*. This is possible because some advantages have already accrued to the lobbyist. Even if there is no further contact, the information provided has served to direct attention to the lobbyist's issue, and to deflect attention from others. It is not so much a question, then, of pressuring legislators. Rather, the entrée provided by "free" information allows the lobby to identify, articulate, amplify, and promote its interests *inside* the hallowed chambers where policy is made (Hansen, 229).

One of the reasons why lobbies remain an active, growing feature of politics is that they are not oriented to solutions. Earlier, I noted special interest groups that dissolve when a policy is either terminated or instituted, such as the ending of American involvement in Vietnam. But such agendas are not characteristic. Dionisopoulos has discussed the essentially unresolvable nature of political issues (Dionisopoulos, 86). Lobbyists deal in issues painted in "shades of gray" (Berry, 210). Policymaking is incremental in nature, so that there is no final piece of legislation that solves all the client corporation's or advocacy group's problems.

In addition, lobbies never "fail," because their role in policy outcomes is not easily quantified. When a decision goes counter to the lobby's interests, it can be rationalized as accounted for by factors outside the lobby's control, "caused by overwhelming political opposition by the administration or Congress, the large sums of money available to adversary groups, or the widespread ignorance of the American people" (Berry, 210). Because effective measurements of influence continue to elude political scientists, lobbyists are free to write their own stories.

Thus far, I have discussed lobbying primarily from a general organizational point of view, without differentiating between corporate and non-profit groups. A common way of marking the difference is to refer to corporate interests as lobbies and organizations with a public or social agenda as interest groups, but in fact, the two terms are synonymous. Non-profits actively engage in lobbying, and corporate lobbies are special interest groups. John Gardner refers to his organization, Common Cause, as "a people's lobby" (McFarland, 7). In *The Politics of Congress,* Vogler entitles his chapter on lobbying "Policies, Pressure Groups, and Presidents" (Vogler, 249).

The instrumental differences, if such exist, between corporate and public interest advocacy bear closer examination. In the following sections, I will analyze some of the discourse of the Children's Defense Fund, as it relates to the Fund's advocacy mission, to illuminate the ways in which non-profit lobbying may or may not differ from corporate interest groups in terms of strategies, tactics, and goals.

The Children's Defense Fund Mission

Heath and Nelson have noted that many issues are "the product of the efforts of a few individuals who are troubled by some aspect of society" (Heath, 196). This is a quintessential description of the genesis of the Children's Defense Fund. In the mid-sixties, Marian Wright Edelman, the first black woman admitted to the Mississippi Bar, directed the NAACP Legal Defense and Education Fund office in Jackson, Mississippi. There, she worked to overcome the state's resistance to implementation of Economic Opportunity programs that directly benefited blacks. These initial efforts at advocacy for children grew directly out of the War on Poverty legislation of the Johnson Administration. Specifically, Edelman fought to "protect the fledgling Head Start program from political attack" (Defense Fund 2). Broadening her efforts on behalf of children, Edelman founded the Washington Research Project in 1968; this effort evolved into the Children's Defense Fund, which was organized in 1973 (CDF #2).

In her book, *Families in Peril: An Agenda for Social Change,* Edelman explains why the Fund's goals soon broadened beyond the original scope of assuring the implementation of programs for black children:

> We believe that the best way to help poor black children is to show that white children are similarly affected. CDF came into being in the early 1970s because we recognized that support for whatever was labeled black and poor was shrinking and that new ways had to be found to articulate and respond to the continuing problems of poverty and race, ways that appealed to the self-interest as well as the conscience of the American people (Edelman, ix).

Vibbert and Bostdorff have described the levels of issue development and the strategies that issue managers typically employ at each level. Edelman's establishment, in the nascent stages of the Fund, of a definition of the problem as one transcending race, provides a salient example of how an issue typically "may undergo several reformulations before it takes a name" (Vibbert & Bostdorff, 108).

From its localized origins as a problem of program implementation in Jackson, Mississippi, the issue gradually broadened, not, at first, in actual

scope, but in terms of definition. By situating the dilemma in a broader forum, by moving both her venue from Jackson to Washington, D.C., and her locus from black children to all children, Edelman enacted a definition that positioned CDF's concerns as having the potential status of a national issue. Legislators might not care about poor blacks, but they certainly did care about the health and welfare of white children; progressive orientation was more prevalent in the capitol than in rural Mississippi.

Zarefsky has described a parallel — and related — situation in which Johnson Administration officials made a conscious effort to use the term "poverty" generically, in order to avoid the identification of their proposed legislation with the issue of race, an inflammatory and highly sensitive dilemma of that time, as now. Johnson "spin doctors" carefully orchestrated official events and appearances in poverty-stricken Appalachian areas where there were few, if any, blacks. Hiding the face of black poverty and highlighting the white facilitated initial southern support for passage of War on Poverty programs (Zarefsky, 92).

In the twenty years since CDF's inception, the organization's goals have expanded further to address the multiplying exigencies that have resulted from the country's deteriorating social fabric. Edelman recognizes the necessity of adapting goals: "Labels as well as strategies and tactics change, depending on the issue, the political atmosphere...the likely opportunities, and the allies needed" (Edelman, viii). A 1991 CDF publication states that the group's goal is to "educate the nation about the needs of children and encourage preventive investment" (Trister & Weill). Another publication, "We Are Making a Difference in Children's Lives," identifies the CDF mission as "protecting children and strengthening families" (CDF #2). Still another states that CDF's organizing purpose is "to provide a strong and effective voice for the children of America who cannot vote, lobby, or speak out for themselves" (CDF #1).

Although CDF's *An Advocate's Guide to the Media* urges prospective local lobbyists to target their efforts to "clearly defined short- and long-term goals" (Duncan *et al.*), the advertised goals of the CDF leadership are situated, if not in the abstract, at best, in the unlocatable long term. Edelman's book, subtitled *An Agenda for Social Change,* discusses adolescent pregnancy. The chapter concludes with a prescription for

prevention that includes providing teenagers with "many and varied opportunities for success" (Edelman, 58). Edelman also espouses "building academic skills," providing "work-related skill-building and work exposure...family-life education and life planning...and comprehensive adolescent health services" (58).

Although skill-building and family planning are far from being abstract concepts, in the absence of substantive, specific recommendations for implementation, the net effect is scarcely different from calls for freedom or faith. Advocacy involves both specific and abstract, symbolic aspects, but it is important that the two functions remain separable and distinct. The provision of comprehensive health service for adolescents, for example, can never be viewed as purely symbolic; to maintain legitimacy, it must bear the earmarks of a policy position.

A recent CDF brochure, "10 Things You Can Do to Help Children," presents an agenda entitled "Leave No Child Behind," which calls for "basic health care" for every American child and pregnant woman, preschool preparation for children under five, child care, and Head Start, "jobs for parents at decent wages, child support enforcement, refundable tax credits," and "schools that are free from violence" (CDF #1). Such sweeping goals would inescapably dictate significant, if not massive, appropriations. But Edelman does not mention the probable financial cost of these solutions, although her book does contain a comparison of 1986 federal spending figures for national defense and "low-income" programs (Edelman, 44), suggesting that federal budget allocations are misplaced.

The CDF mission encompasses various goals that are apparently concrete and specific (e.g., "refundable tax credits") but also symbolic of a left-leaning political orientation. The unlikelihood of foreseeable practical enactment of these goals also confers an abstract quality upon a discussion of substantive issues. In view of the incremental nature of policymaking already noted, such an expansive — and expanding — agenda serves the purpose of effectively perpetuating and institutionalizing the Defense Fund. As Zarefsky noted of the failure of War on Poverty legislation, the guiding theories of the program were "so cosmic in their scope that they could not be tested" (Zarefsky, 78). For Johnsonian domestic policy, this breadth proved disastrous, but in the sphere of lobbying, the ambiguity achieved by breadth is an effective advantage. In the amorphous, all-

encompassing nature of its goals, CDF resembles corporate lobbies, for whom victories are small and defeats non-existent.

Symbolic Functions of the CDF

I have noted that a lobby typically may fulfill four basic functions: symbolic, economic, ideological, and informative (Ornstein & Elder, 29ff). Although the Defense Fund assiduously addresses each these functions, its symbolic office is arguably the most crucial to its mission. Heath and Nelson have observed that "[T]he politics of polarity" constitutes a central predicate of the American system (197). There are pro-nuclear and anti-nuclear factions, those who support legal abortion and those who oppose it. These oppositions form the basis for much of our public debate. In its sole identification with children's issues, the Children's Defense Fund has strategically positioned itself outside the fray.

Alignment with CDF carries powerful expressive value, conferring on its allies and adherents an instant mantle of enlightenment and compassion. Although communicating shared values is not a foundational principle of the Fund as it is with, for example, ethnic organizations, association with CDF's causes and principles can nevertheless be a valuable image asset. Furthermore, in its twenty years of active lobbying, no public figure has voiced opposition to the overall CDF agenda. The symbolic value of caring for the needs of children is the Fund's most valuable asset. Just as W.C. Fields lamented the insuperable challenge of acting opposite a child, so do politicians find it difficult to argue with the considerable symbolic value of the suffering child.

Economic Functions

Since few of CDF's goals can be accomplished without significant financial commitment, economic lobbying is a central function of the organization. As mentioned, a characteristic of lobbying in the post-war era is the dissociation of the lobbyist from the fortunes of the organization he or she represents. It is also true that Fund lobbyists neither profit nor suffer with the vicissitudes of legislation affecting the Fund's issues.

Corporate lobbying is generally lucrative, while those who act on behalf of CDF and other public interest groups do not lobby principally for personal profit. Nevertheless, the goal of affecting appropriations policies remains the same for both types of lobby.

The particulars of CDF's economic campaign, however, remain an enigmatic feature of its program. I have mentioned that Edelman proposes cutting national defense programs to finance programs that would improve the lives of children. Beyond that, CDF's promotional and advocacy literature provide no information concerning the proposed or probable cost of implementing programs such as full day, full year Head Start. The promotional brochure, "We Are Making a Difference," asserts, however, that "every dollar invested" in early childhood intervention programs "saves more than $7 in later years" (CDF #2). Such intervention, according to CDF, will "prevent costly special education and school dropouts, and reduce the likelihood of teen pregnancy." But the brochure offers no evidence to support the claimed relationship between Head Start and the prevention of dropout and teen pregnancy.

Ideological Functions

Because CDF pursues an agenda of improved conditions for children that is not bound to an overarching ideological or political position, such otherwise disparate politicians as Senator Bill Bradley and Senator Orrin Hatch are equal in their praise of CDF's work (CDF #2). Nonetheless, the Fund's social/political agenda inescapably expresses the New Deal and Great Society principles that have guided the Democratic Party in this century.

By focusing exclusively on legislation that affects children, the Fund has thus far successfully avoided what Zarefsky has called "the liberals' dilemma" (Zarefsky, 207), the credibility gap that develops when the symbolic and rhetorical choices surrounding an issue cannot be sustained by the "incrementalist action" (204) that characterizes legislative social change. At the same time, less urgent rhetoric and less powerful symbols fail to arouse public interest and support.

Just as its parent, the Equal Opportunity Act, failed to eliminate poverty, the Defense Fund has not succeeded in ending child poverty, violence in schools, or teen pregnancy. But the issues that the Fund addresses are painful to the American psyche, and not readily dismissed. Children's Defense Fund serves as a balm to the open wound of children suffering inordinately in a society that views itself as enlightened and progressive. For that reason, perhaps, the media and the public appear willing to overlook the possible ideological implications of the Fund's policy positions.

For example, on March 7, 1994, Human Services Secretary Donna Shalala, a long-time former member of the CDF Board of Directors, delivered a speech before the National Association of Counties' 1994 Legislative Conference entitled "Children's Issues." Shalala articulated many of the goals identified in CDF literature as consistent with the legislative agenda of the Clinton Administration. She stated that "children and families are at the heart of our social agenda," one that includes "new and deep investments" in the public health infrastructure; "new resources for the underserved"; full day, full year Head Start; and elimination of the welfare system in the immediate, foreseeable future. Finally, the Secretary asserted that the Clinton agenda constituted "a strategy to lift every American above the poverty line."

The implementation of any of these policy proposals — full-day, year-round Head Start, for example — would call for appropriations of major proportion, costs that would have significant impact on the federal budget. But Shalala's speech, which appeared live on C-Span, was not reported on any major network or by the wire services. Such unusual latitude may be indicative of a general disinclination to place children at the center of policy polemics.

Informative Functions

The dissemination of information about children's issues is a primary function of the CDF. CDF brochures feature quotes from Washington movers and shakers validating their regard for the Fund as a reliable and trustworthy source (CDF # 2). CDF research is a critical resource, since effective lobbying for appropriations requires persuasive supporting data.

The rhetorical thrust of CDF research is firmly rooted in the exalted and apparently incontestable status of numbers:

> *Every Day in the United States:*
> 135,000 children bring guns to school.
> 7,400 children are reported abused or neglected.
> 2,781 teenagers get pregnant.
> 105 babies die before their first birthday.
> 14 children are killed by guns. (CDF #3)

These are only a few of the multitude of such figures generated by the Fund; like all statistics, the sources and methods are obscure and therefore open to question, but the numbers are persuasive nevertheless. Edelman is known as "the 101st senator of children's issues" (CDF #2) precisely because of her command of numbers:

> A 1987 *Time* magazine article called Mrs. Edelman "one of Washington's most unusual lobbyists" whose "effectiveness depends as much on her adroit use of statistics as on moral suasion. If many Washington lobbyists promote their cause with cash, Mrs. Edelman's currency is facts, mountains of data that tell the story of what is happening to children" (CDF #2).

In its reliance on research and analysis, CDF's information output bears a strong resemblance to traditional corporate data. The concentration on facts and numbers, though evidently an effective strategy, can sometimes make the Fund's promotional material sound very much like that of the energy lobby; the only difference is in the commodity.

Conclusion

In its functions and goals, the Children's Defense Fund bears marked similarity to corporate lobbies. If the standard for successful lobbying is providing credible information to policymakers and enhancing the image of the lobby's proponents in exchange for salience of the lobby's issues, CDF must be judged outstanding. Edelman's status as one of *Business Week's* "best managers of non-profits" and as wielder of "real power in Congress" (CDF #2) suggests that the Fund's leadership has assessed the best available means of persuasion with admirable precision.

By most accounts, the achievement of ends serves as the clear overriding principle for judging the success of a lobby. When an advocacy group actively and aggressively influences legislators, when it contributes information, perhaps even speeches and expert witnesses, to a successful effort to pass or block legislation favorable to the lobby's ends, the lobby will be judged a success.

There are, however, some other considerations. There is a pervasive assumption in this country that public interest advocacy stands apart from corporate self-interest lobbying, that the nobility of the former's ends forecloses judgment of the means by which its goals are achieved. We excoriate the manipulative methods of corporate lobbying, perceiving those methods as at best circumventions, at worst subversions of the political system. I have sought to demonstrate that the operative tactics and strategies of the Children's Defense Fund are the same as those employed by large corporate lobbyists. Is the CDF, then, no less responsible for "working" the system, for doing violence to the system through information peddling and insider influence?

I do not use the word "peddling" blithely. Just as with any other congressional "favor," there is expectation of return. CDF advocates, like other lobbyists, facilitate the policy process in return for favorable allocation of resources. Other potential areas of need may be excluded from consideration, which, because they lack access, do not figure into the equation. In this increasingly-accepted new way of negotiating policy, there is a third persona that consists of all needs and causes that are not represented by a lobby.

Vogler and others have written of the dangers of single interest politics. In an interview with one lobbyist concerning the place of the lobbyist's issue within the larger framework, the lobbyist readily agreed that other agendas and areas of legislation were of no import: "We don't get too concerned about their [i.e., legislators] positions on the neutron bomb" (Vogler, 281). Even such redeeming causes as programs for children contribute to the balkanizing effect of battling for issue supremacy. The willingness of lawmakers to accede to single interest lobbying has, in the last two decades, resulted in a deterioration of integrated lawmaking and probably also to the explosion of the national debt.

Certainly the goals of child advocacy are above reproach. But any assessment of ends must include all, and not just particular, ends. For Madison, a "well-constructed Union" is a system of government that removes "instability, injustice, and confusion" from "public councils" (Hamilton *et al.*, 53). American politics may be far from the brink of chaos. But the effective creation of a substratum of the legislative process, the institutionalization of lobbying in the last two decades, is unjust because some interests, in effect, enjoy greater representation than others.

Lobbies upset the equilibrium of the process because they represent a third mediating presence in a system originally comprised of the electorate and the elected. Finally, lobbies confuse and obscure the true nature of their operation by providing unattributed input in the form of speeches, expert witnesses, and data that cannot be considered pure of motive.

As Madison conceived of the legislative process, "the public views" would pass "through the medium of a *chosen* body of citizens, whose wisdom may best discern the true interest of their country" (italics mine) (59). The operative purpose of this system would be to "secure the public good and private rights against the danger of...faction, and at the same time to preserve the spirt and the form of popular government" (59).

A CDF Fact Sheet readily states that the Fund "takes an active role in policy formation in federal, state and local government... assisting in the drafting of bills...meeting with and providing information to legislators and offering ideas on policy implementation" (CDF #3). Gandy tells us that, in America today, "corporate and foundation board rooms are important policy centers" (Gandy, 135). Corporate and foundation

officers are equal citizens and as such are certainly free to contribute to the policy forum.

I would argue that the thorough integration of lobbies into this system has eroded the "spirit and form" of American politics. The manipulation of the process that is the intended end of lobbying effectively subverts the policymaking operation as conceived by its architects, and is not, in Madison's words, consonant with "the permanant and aggregate interests of the community" (Hamilton *et al.*, 45). In the case of the Defense Fund and similar groups, the damage wrought by the method belies the nobility of the ends.

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